

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

FRANKLIN HARVEY TURNER,  
ADC #116865

PLAINTIFF

v.

3:08CV00012HLJ

JESSE DOLLARS, et al.

DEFENDANTS

**MEMORANDUM AND ORDER**

This matter is before the Court on defendants' motion to dismiss based on plaintiff's failure to prosecute (DE #52), and on their previously-filed motion for summary judgment (DE #45). By Order dated December 19, 2008, this Court directed plaintiff to respond to the summary judgment motion within ten days of the date of the Order (DE #48). The Court further advised plaintiff that failure to file such in accordance with the Court's directions would result in the dismissal without prejudice of his complaint. On January 7, 2009, the copy of the December 19, 2008 Order which was mailed to plaintiff at his last-known address, was returned to Sender (DE #51). As of this date, plaintiff has not responded to any of the motions filed by defendants, and has not corresponded with this Court.

Rule LR5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas provides as follows:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently . . . . If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. . . .

In light of plaintiff's failure to respond to this Court's December 19, 2008 Order, the Court

will grant the defendants' motion to dismiss for failure to prosecute, and will dismiss the complaint without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED that defendants' motion to dismiss for failure to prosecute (DE #52) is hereby GRANTED, and plaintiff's complaint is DISMISSED without prejudice.

An appropriate Judgment shall accompany this Memorandum and Order.

IT IS SO ORDERED this 22nd day of January, 2009.

  
United States Magistrate Judge